

Trans. by E.L. ~~145~~DRMASSHEALTH
FINANCIAL ELIGIBILITYRev. ~~01/01/06~~DR(1 of 5) Chapter 520
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- (1) ~~The~~ MassHealth agency determines the MMMNA by adding the following amounts:
- (a) ~~\$1,604~~1,650 (the federal standard maintenance allowance); and
 - (b) an excess shelter allowance determined by calculating the difference between the standard shelter expense of ~~\$482~~495 and the shelter expenses for the community spouse's principal residence, including:
 - (i) the actual expenses for rent, mortgage (including interest and principal), property taxes and insurance, and any required maintenance charge for a condominium or cooperative; and
 - (ii) the applicable standard deduction under the Food Stamp Program for utility expenses. If heat is included in the rent or condominium fee, this amount is ~~\$268~~287. If heat is not included in the rent or condominium fee, this amount is ~~\$442~~474.
- (2) The maximum-monthly-maintenance-needs allowance is \$2,488.50 per month, unless it has been increased as the result of a fair-hearing decision based on exceptional circumstances in accordance with 130 CMR 520.017(D).
- (3) If the institutionalized individual is subject to a court order for the support of the community spouse, the court-ordered amount of support must be used as the spousal-maintenance-needs deduction when it exceeds the spousal-maintenance-needs deduction calculated according to 130 CMR 520.026(B) or resulting from a fair hearing.
- (C) Deductions for Family-Maintenance Needs.
- (1) ~~MassHealth~~The MassHealth agency allows a deduction from the income of a long-term-care resident to provide for the maintenance needs of the following family members if they live with the community spouse:
 - (a) a minor child — a child under age 21 of either member of the couple;
 - (b) a dependent child — a child over age 21 who is claimed as a dependent by either spouse for income-tax purposes under the Internal Revenue Code;